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Attorney's Docket No. 01775-120

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent Application of:)
)
David GAILLAC et al.) Group Art Unit: 1648
)
Serial No.: 09/467,928) Examiner: S. Foley
)
Filed: December 21, 1999)
)
For: METHOD OF INACTIVATING)
ENVELOPED VIRUSES IN A)
VIRAL PREPARATION OF NON-)
ENVELOPED VIRUSES)

REPLY TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Restriction Requirement set forth in the Official Action mailed on October 2, 2001 (Paper No. 6), Applicants hereby elect with traverse the claims of Group I (Claims 1-12), which are drawn to a method of inactivating enveloped viruses.

M.P.E.P. § 803 states that an application may be properly restricted to one or more claimed inventions only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if the restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a restriction should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

Although the Examiner has alleged different classifications for the inventions of Group I (Claims 1-12), Group II (Claims 13 and 15) and Group III (Claim 14), it would

seem that a search and examination involving the three groups of the invention would substantially overlap. For example, the elected invention of Group I is related to a method of inactivating enveloped viruses. The non-elected invention of Group II is drawn to a method for preparing a viral preparation comprising at least one step of inactivating enveloped viruses, and the non-elected invention of Group III is drawn to a method of viral preparation according to claim 13, which is in Group II. As overlapping subject matter between the elected and the non-elected inventions exists, so too exists an apparent overlap in search and examination. Accordingly, a serious burden would not be imposed on the Examiner to examine all the claims of Groups I, II and III in a single application. Thus, the restriction is improper and should appropriately be withdrawn.

Accordingly, for at least all of the reasons set forth above, withdrawal of the requirement for restriction is believed to be in order. Early and favorable consideration of all the claims of record on the merits is respectfully requested.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

Application Serial No. 09/467,928
Attorney's Docket No. 017753-120

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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By: _____

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